

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

01- R -1856

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF CHARLIE
MAE WALKER IN THE AMOUNT OF
\$18,162.98 AGAINST THE CITY OF ATLANTA**

WHEREAS, CHARLIE MAE WALKER, has filed a claim against the City of Atlanta seeking damages for bodily injuries arising out of a fall on an uneven section of sidewalk that existed in an unsafe condition; and

WHEREAS, the Street Division failed to keep the sidewalk located at Memorial Drive and Washington Street in a safe condition for travel in the ordinary mode; and

WHEREAS, the defect in the sidewalk existed for such a length of time that the City in the exercise of ordinary diligence should have discovered and remedied it; and

WHEREAS, the construction and maintenance of public roads and sidewalks is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

WHEREAS, the claimant has asserted damages in the amount of \$50,000.00 and has agreed to accept the sum of \$18,162.98 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of CHARLIE MAE WALKER, be settled for the sum of \$18,162.98.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$18,162.98 be paid by the City of Atlanta to CHARLIE MAE WALKER, in satisfaction of any and all claims she may have stemming from bodily injuries sustained to her on or about March 18, 1999 at Memorial Drive and Washington Street and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,


Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

NOV 19, 2001

NOV 28, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0407

Date: October 31, 2001

Claimant /Victim CHARLIE MAE WALKER
BY: (Atty) (Ins. Co.) _____
Address: 1575 Ferno Drive, NW, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 50,000.00
Date of Notice: 6/29/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/18/99 Place: Memorial Drive & Washington Street
Department PUBLIC WORKS Division _____ Street _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained extensive bodily injuries when she tripped and fell on an uneven section of sidewalk resulting in a fractured knee. An investigation determined that the defect had existed for some time and the City failed to correct the condition.

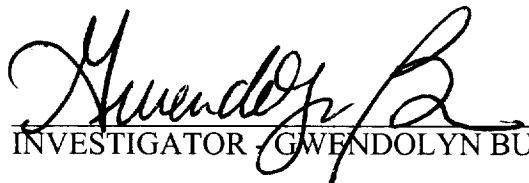
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 18,162.98 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-02-01
Committee Action: _____ Council Action _____

RCS# 3302
11/19/01
5:28 PM

Atlanta City Council

Regular Session

01-R-1856 Settlement of claim against Charlie Mae
 Walker for \$18,162.98
 ADOPT

YEAS: 8
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	B Morris	Y Maddox	NV Alexander
Y Winslow	NV Muller	NV Boazman	NV Pitts

01- R-1856

(Do Not Write Above This Line)

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ADMINISTRATION COMMITTEE

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THE SETTLEMENT OF THE
CLAIM OF CHARLIE MAE
WALKER IN THE AMOUNT OF
\$18,162.98 AGAINST THE CITY OF
ATLANTA
ADOPTED BY
NOV 19 2001

COUNCIL

By: Rosalind Rubens Newell

Rosalind Rubens Newell
Deputy City Attorney

- ☐ CONSENT REFER
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 11/19/01

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair C. F. Murrell
Referred to _____

Committee Public Safety

Date 12/20/01

Chair Murrell

Action:
Fav, Adv, Hold (see rev. side)
Other: _____

Members -
[Signature]
[Signature]

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other: _____

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other: _____

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other: _____

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

[Signature]
NOV 19 2001
ATLANTA CITY COUNCIL CLERK
[Signature]

CERTIFIED
NOV 19 2001

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 28 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW